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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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11 UNITED STATES OF AMERICA, ) No. CR 02-20085 JF  
12 )  
13 Plaintiff, ) STIPULATION AND [PROPOSED]  
vs. ) ORDER CONTINUING HEARING DATE  
14 ) AND EXCLUDING TIME UNDER THE  
15 ANTONIO GARCIA, ) SPEEDY TRIAL ACT  
16 Defendant. )  
17 \_\_\_\_\_)

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**STIPULATION**

19 Defendant Antonio Garcia, by and through Assistant Federal Public Defender Nicholas  
20 Humy, and the United States, by and through Assistant United States Attorney Thomas A.  
21 Colthurst, hereby stipulate that, with the Court's approval, the status hearing currently set for  
22 Friday, January 15, 2010, at 1:30 p.m., shall be continued to Wednesday, January 20, 2010, at  
23 9:00 a.m.

24 The continuance is requested due to the medical treatment schedule of defense counsel.

25 In addition, the defense respectfully requests that the defendant's presence, which has  
26 been excused for the January 15, 2010, hearing, be excused for the January 20, 2010, hearing.

1 The government does not oppose this request.

2 The parties agree that the time between Friday, January 15, 2010, and January 20, 2010,  
3 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), for continuity  
4 of counsel and effective preparation by defense counsel.

5 IT IS SO STIPULATED.

6 Dated: January 13, 2010

7 \_\_\_\_\_/s/  
8 NICHOLAS P. HUMY  
Assistant Federal Public Defender

9 Dated: January 13, 2010

10 \_\_\_\_\_/s/  
11 THOMAS A. COLTHURST  
Assistant United States Attorney

12 [PROPOSED] **ORDER**

13 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
14 ORDERED that the status hearing shall be continued from Friday, January 15, 2010, to  
15 Wednesday, January 20, 2010.

16 THE COURT FINDS that failing to exclude the time between January 15, 2010, and  
17 January 20, 2010, would unreasonably deny the defendant's continuity of counsel, and would  
18 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
19 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

20 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
21 between January 15, 2010, and January 20, 2010, from computation under the Speedy Trial Act  
22 outweigh the interests of the public and the defendant in a speedy trial.

23 THEREFORE, IT IS HEREBY ORDERED that the time between January 15, 2010, and  
24 January 20, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
25 3161(h)(8)(A) and (B)(iv).

1 IT IS FURTHER ORDERED that the defendant's appearance at the January 20, 2010,  
2 status hearing shall be excused.

3 IT IS SO ORDERED.

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5 Dated: 1/14/10



6 The Honorable Jeremy Fogel  
7 United States District Court

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